

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

Josephine Louella Washington

Case No.

2:16-CV-10191

(to be filled in by the Clerk's Office)

Plaintiff(s)

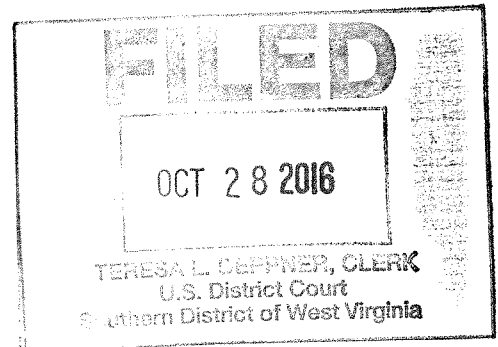
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Melissa Gillespie; Melissa Shephard; Meghan Gofreda;
Anne Stacklin; Amy Booth; Sandra Wilkerson;
Stephanie Brown; Timmica Tolliver; Erica
Garcia-Palmer; LaDella Blair; "SEE ATTACHED"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Josephine Louella Washington		
Address	200 Fontana Lane		
	Pond Gap	WV	25160
	City	State	Zip Code
County	Kanawha		
Telephone Number	304-595-5700		
E-Mail Address	josiewashingtonoct85@hotmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Melissa Gillespie		
Job or Title (if known)	WV DHHR Kanawha CPS Worker		
Address	4190 West Washington Street		
	Charleston	WV	25313
	City	State	Zip Code
County	Kanawha		
Telephone Number	304-746-2360		
E-Mail Address (if known)			

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name	Melissa Shephard		
Job or Title (if known)	WV DHHR Kanawha CPS Worker		
Address	4190 West Washington Street		
	Charleston	WV	25313
	City	State	Zip Code
County	Kanawha		
Telephone Number	304-746-2360		
E-Mail Address (if known)			

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Meghan Gofreda
 Job or Title (if known) WV DHHR Kanawha CPS Worker
 Address 4190 West Washington Street
 Charleston WV 25313
 City State Zip Code
 County Kanawha
 Telephone Number 304-746-2360
 E-Mail Address (if known)

☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name Anne Stacklin
 Job or Title (if known) WV DHHR Kanawha CPS Worker
 Address 4190 West Washington Street
 Charleston WV 25313
 City State Zip Code
 County Kanawha
 Telephone Number 304-746-2360
 E-Mail Address (if known)

☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

5th Amendment rights: denied attendance at hearing; tried to threaten loved ones, make fraudulent promises, and coercive questioning to obtain a confession; tried to use own testimony against me; convicted without using court procedure to ensure fair trial; ignored legally relevant facts; denied new counsel and am indigent; denied request to proceed pro se; ineffective assistance of counsel; irreconcilable differences arose and denied new counsel; "SEE ATTACHED"

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Each defendant violated their individual professions Codes of Conduct, numerous state laws pertaining to child welfare and how court proceedings are to be carried out. The agencies violated their own policies to violate my rights and my minor children's rights.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

They events took place at my home in Pond Gap, West Virginia; Cedar Grove Elementary School in Cedar Grove; Kanawha County Courthouse in Charleston; WVDHHR office in Kanawha County also Charleston; and the Home Base Inc. Office in Charleston.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

The Events started September 24, 2014 and are continuing until present day.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

A teacher's aid hurt my handicapped son by neglecting to change his diaper frequently enough and leaving him in a Rifton chair for extended periods of time unattended. CPS came to my home and removed my three children and proceed to bring civil charges against. While in the process of my civil court proceedings ever defendant mentioned violated my civil rights and the rights of my three minor children. The court terminated my parental rights because I would not plead guilty to harming my son. I was not allowed to call my children's doctors, prior CPS workers or anyone in a position to give expert testimony. Every motion that I filed was denied including some for new counsel and for discovery.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

My children and I are suffering from emotional and psychological damage caused by the forced separation of a mother and her three babies. My children are now harming themselves and not interacting the same way that they have while in the plaintiff's custody. The Plaintiff should probably get extensive therapy for her depression but there is no amount of therapy that will be able to fix the broken bond between mother and child and the wrong that the defendants have caused her and her children.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like the court to grant me full custody of my three minor children that the Defendants kidnapped and kept away from me; I would like my parental rights reinstated; I would like the defendants held criminally and civilly accountable for their actions and/or inactions; I would like the court to grant me and my children punitive damages for the irreparable damages caused by the forced separation of me and my minor children; I would like the court to remove my name from the child abuse and neglect registry; and whatever else relief that the court deems adequate.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/28/16

Signature of Plaintiff

Printed Name of Plaintiff

Josephine Louella Washington
Josephine Louella Washington

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

DEFENDANTS (CONTINUED)

John Lopez; Karen Bowling; Amy Paxton; Samuel Marsh; Jason Lord; Micheal Cary; Sandra Evans; Rebecca Johnson; Tod Kaufman; Ariella Silberman; Home Base, Inc.; Laverna Vickers; Niccole Evans; Jessica Pinson; Kanawha County Sheriff's Office; Kanawha County Board Of Education; Cedar Grove Elementary School; Kelly Morris; Ruth Adkins; West Virginia Department of Health and Human Resources

I. PARTIES TO THE COMPLAINT

B. DEFENDANTS (CONTINUED)

DEFENDANT NO. 5

Amy Booth
WV DHHR Kanawha County CPS Worker
4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 6

Sandra Wilkerson
WV DHHR Kanawha CPS Worker
4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 7

Stephanie Brown
WV DHHR Kanawha CPS Worker
4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 8

Timmica Tolliver
WV DHHR Kanawha CPS Worker
4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 9

Erica Garcia-Palmer
WV DHHR Kanawha CPS Worker

4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 10

LaDella Blair
WV DHHR Kanawha CPS Worker
4190 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

DEFENDANT NO. 11

John Lopez
WV DHHR Customer Service Director
350 Capitol Street; Room 623
Charleston, WV 25301
Kanawha County
304-356-2000
John.V.Lopez@wv.gov
Individual Capacity and Official Capacity

DEFENDANT NO. 12

Karen Bowling
WV DHHR Secretary
350 Capitol Street; Room 601
Charleston, WV 25301
Kanawha County
304-558-2400
Karen.L.Bowling@wv.gov
Individual Capacity and Official Capacity

DEFENDANT NO. 13

Amy L. Paxton
Assistant Prosecuting Attorney of Kanawha County
301 Virginia Street, East
Charleston, WV 25301
Kanawha County
304-357-0300
Individual Capacity and Official Capacity

DEFENDANT NO. 14

Samuel Marsh
Guardian Ad Litem
1412 Kanawha Boulevard, East
Charleston, WV 25301

Kanawha County
304-347-3800
Individual Capacity and Official Capacity

DEFENDANT NO. 15

Jason Lord
Attorney
PO Box 3549
Charleston, WV 25335
Kanawha County
304-389-1840
Individual Capacity and Official Capacity

DEFENDANT NO. 16

Micheal Cary
Attorney
PO Box 968
Charleston, WV 25324
Kanawha County
304-205-7470
Individual Capacity and Official Capacity

DEFENDANT NO. 17

Sandra Evans
Assistant Attorney General
812 Quarrier Street; 2nd Floor
Charleston, WV 25301
Kanawha County
304-558-2131
Individual Capacity and Official Capacity

DEFENDANT NO. 18

Rebecca Johnson
Attorney
PO Box 3924
Charleston, WV 25339
Kanawha County
304-780-6436
Individual Capacity and Official Capacity

DEFENDANT NO. 19

Tod Kaufman
Circuit Court Judge
111 Court Street; 4th Floor
Charleston, WV 25301
Kanawha County
304-357-0363
Individual Capacity and Official Capacity

DEFENDANT NO. 20

Ariella Silberman
Guardian Ad Litem
1500 Chase Tower, 15th Floor; 707 Virginia Street, East
Charleston, WV 25301
Kanawha County
304-345-8900 ext 104
Asilberman@kaycasto.com
Individual Capacity and Official Capacity

DEFENDANT NO. 21

Home Base Inc
713 Bigley Avenue
Charleston, WV 25302
Kanawha County
304-746-2918
Individual Capacity and Official Capacity

DEFENDANT NO. 22

Laverna Vickers
Home Base Inc
713 Bigley Avenue
Charleston, WV 25302
Kanawha County
304-746-2918
Individual Capacity and Official Capacity

DEFENDANT NO. 23

Niccole Evans
Home Base Inc
713 Bigley Avenue
Charleston, WV 25302
Kanawha County
304-746-2918
Individual Capacity and Official Capacity

DEFENDANT NO. 24

Jessica Pinson
Home Base Inc
713 Bigley Avenue
Charleston, WV 25302
Kanawha County
304-746-2918
Individual Capacity and Official Capacity

DEFENDANT NO. 25

Kanawha County Sheriff's Office
301 Virginia Street, East
Charleston, WV 25301

Kanawha County
304-357-0200
Individual Capacity and Official Capacity

DEFENDANT NO. 26

Kanawha County Board of Education
200 Elizabeth Street
Charleston, WV 25311
Kanawha County
304-348-7770
Individual Capacity and Official Capacity

DEFENDANT NO. 27

Cedar Grove Elementary School
200 John Street
Cedar Grove, WV 25039
Kanawha County
304-949-1642
Individual Capacity and Official Capacity

DEFENDANT NO. 28

Kelly Morris
Cedar Grove Elementary School Teacher's Aid
200 John Street
Cedar Grove, WV 25039
Kanawha County
304-949-1642
individual Capacity and Official Capacity

DEFENDANT NO. 29

Ruth Adkins
Cedar Grove Elementary School Bus Aid
200 John Street
Cedar Grove, WV 25039
Kanawha County
304-949-1642
Individual Capacity and Official Capacity

DEFENDANT NO. 30

West Virginia Department of Health and Human Resources
1490 West Washington Street
Charleston, WV 25313
Kanawha County
304-746-2360
Individual Capacity and Official Capacity

II. BASIS FOR JURISDICTION

B. (CONTINUED)

6th Amendment rights: denied counsel and I am indigent; irreconcilable differences arose and

denied new counsel; ineffective assistance of counsel; denied request to proceed pro se; denied right to a speedy trial; prosecution admitted hearsay against me and it didn't qualify as one of the exceptions; denied a fair, impartial jury trial; the evidence was insufficient to sustain a guilty verdict; judge was biased; witnesses for the prosecution lied on the stand; 14th Amendment rights; witnesses identified me after CPS had suggested; prosecution denied me evidence discovery even though requested; was unable to have an expert testimony; was convicted under unconstitutional statute.